# U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON



Attorney's Guide: Opening A Civil Case

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#### Introduction

Using this guide, you will learn how to electronically open and file a new civil action through the Electronic Case Filing system.

#### **Getting Started**

Your next step is to prepare and convert your filing documents to PDF.

## **Prepare Your Documents**

Prepare an initiating document, such as a:

- Complaint
- Notice of Removal
- Motion to Proceed In Forma Pauperis with Written Consent

Prepare as an attachment to your initiating document:

Civil Cover Sheet

Prepare these documents as additional attachments if they apply to your case:

- Report on Filing or Determination of an Action or Appeal Regarding a Copyright
- Report on Filing or Determination of an Action Regarding a Patent or Trademark
- Summons

Download and save the **Summons** form found on the court's website at <a href="https://www.wawd.uscourts.gov">www.wawd.uscourts.gov</a>, **Reference Materials/Forms**. Use this fillable form each time you post a summons to the court docket.

- Post each summons separately.
- Summons(es) will be issued by the court electronically the following day.
- You will receive a Notice of Electronic Filing (NEF) of the summons when the Clerk's Office enters it on the docket.

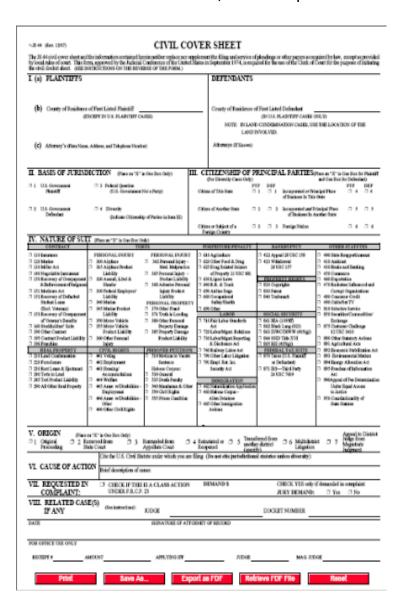
• Use the NEF hyperlink to retrieve the issued summons form to effect service of process.

See **Appendix A** for document samples and instructions.

The following forms are also available for downloading from our court website: <a href="https://www.wawd.uscourts.gov/ReferenceMaterials/Forms">www.wawd.uscourts.gov/ReferenceMaterials/Forms</a> .

- Civil Cover Sheet
- Report on Filing or Determination of an Action or Appeal Regarding a Copyright
- Report on Filing or Determination of an Action Regarding a Patent or Trademark
- Application to Proceed In Forma Pauperis with Written Consent
- Summons

To illustrate, here is an example of the Civil Cover Sheet in fillable form, available on our site. Once this form is filled in online, it can be printed or saved as a PDF.



#### **Convert Documents to PDF Format**

#### Convert a document by:

- Scanning to PDF
- Using the conversion software included in word processing programs such as Word.
- Downloading PDF conversion software, such as Adobe Standard or Professional.
- Remember: Each PDF document should be under 5 MB (megabytes) in size.

## The Filing Fee

- The filing fee is \$350.00 for a Complaint or Notice of Removal.
- You must pay the filing fee through Pay.gov, but there are a couple of options available to you:
  - o You can choose to pay the filing fee by debit or credit card. OR
  - You can also pay through Pay.gov's Automated Clearing House, also known as Direct Debit. ACH payments are like online checks; the funds are withdrawn from your bank account.
- During case opening, you will be prompted for this payment and be guided through the **Pay.gov** screens.
- Have your card or banking information ready.
- See Paying the Filing Fee for details.

#### To request a waiver of the filing fee:

- Have your Application to Proceed In Forma Pauperis with Written Consent prepared to file as one of your initiating documents.
- For detailed instructions, see **Docketing the Lead Event**.

#### **Opening Your Civil Case**

Do not start opening your case unless you are prepared to post your initiating document(s).

- Remember they must be in **PDF format** and saved on your computer.
- Be sure you have a copy of your cover sheet available. You will need to refer to it later in this process.

Now that you are ready to open your case, let's get started. Log into CM/ECF as you normally would to file documents.



On the blue tool bar select "Civil."

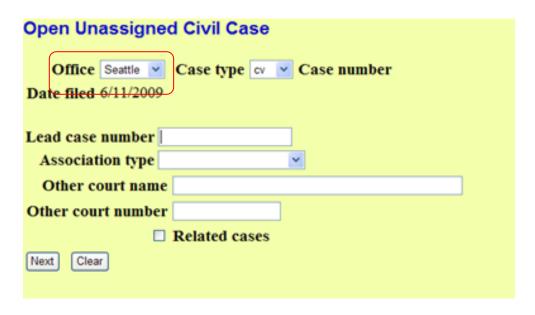


Under "Open a Case" you will see the link to: "Attorney Case Opening." Click on this link to begin opening your case.



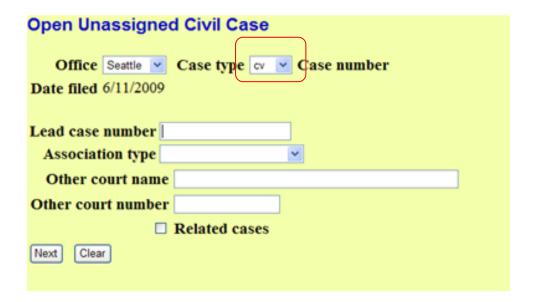
On the **Open Unassigned Civil Case** screen, select your case specific information.

At the "Office" dropdown box select either Seattle or Tacoma option. This is dependent upon which location your case is being filed.

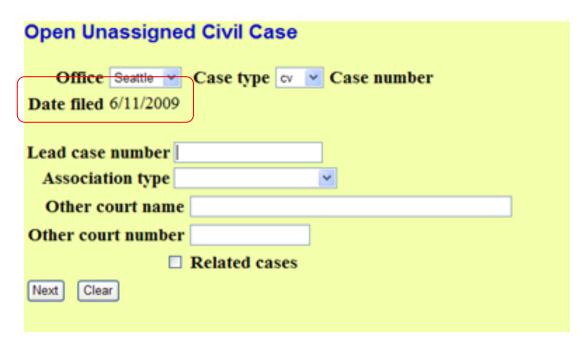


See **Appendix G** for a copy of **Local Civil Rule CR5(e)** to see which counties pertain to each office.

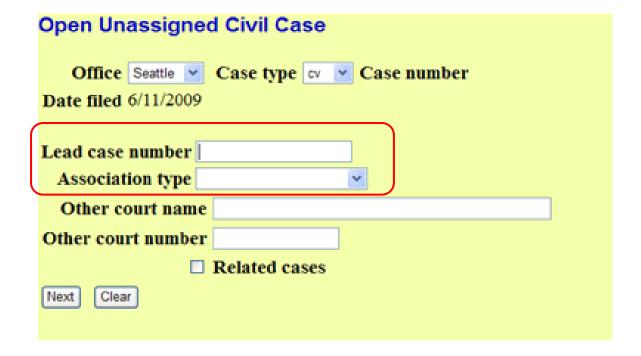
At the "Case Type" dropdown box select "cv" for civil case.



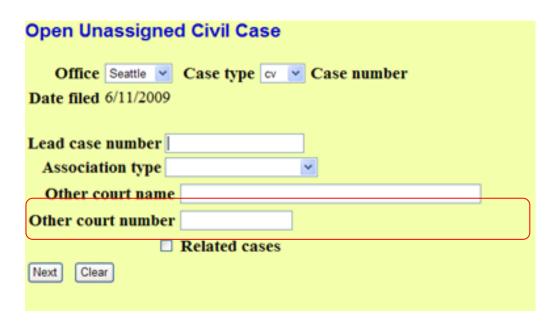
At the "Date Filed" section, you will notice that the date filed is automatically filled in. You will not be able to modify this date.



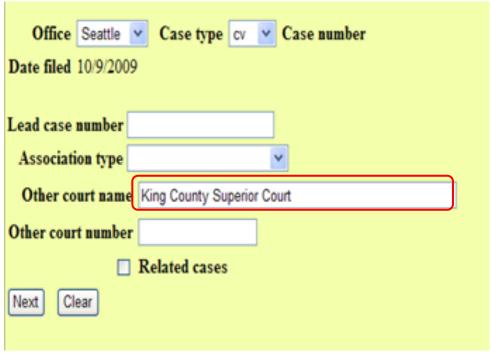
Leave both the **Lead Case Number** box and the **Association Type** box blank.



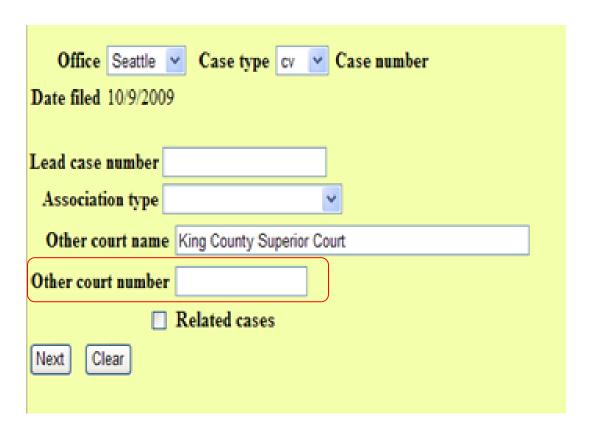
The "Other Court Name" box is left blank, unless you are filing a removal case. If this is a removal case put the name of the originating court in the box.



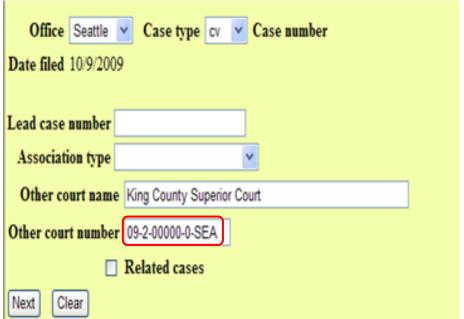
An example of "Other Court Name" could be King County Superior Court.



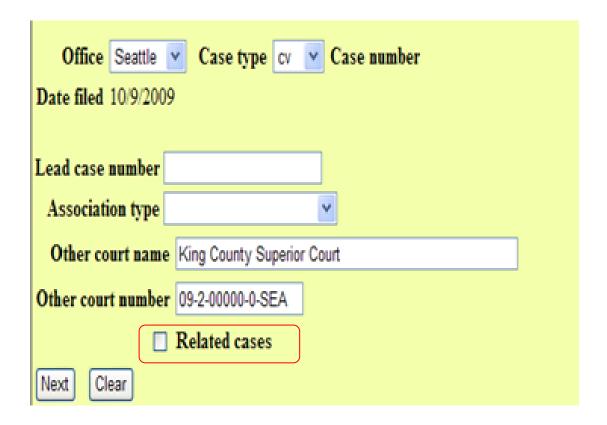
The "Other Court Number" box is left blank unless you are filing a removal case. If this is a removal case you would put the case number of the originating court in the box.



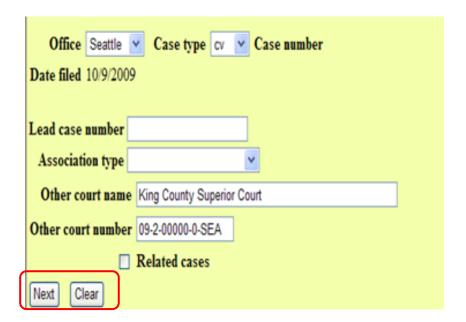
An example of "Other Court Number" is 09-2-000000-0-SEA.



Do not check the "Related Cases" box. If there are related cases, you should note them on the Civil Cover Sheet, not here.

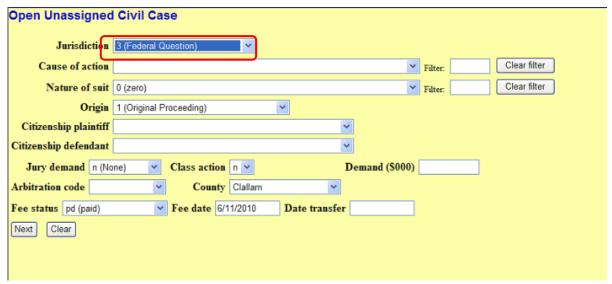


Once you have entered your case data information, select the "NEXT" button to move to the next screen. If you need to start over on this page, select the "CLEAR" button and it will erase all of your entries.

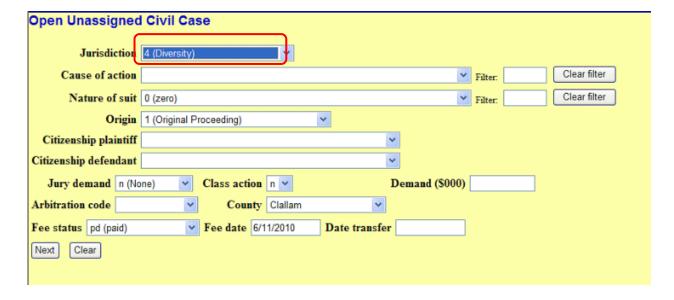


This next screen is the **Open Unassigned Civil Case** screen. This screen asks for information which can be taken directly from your Civil Cover Sheet, so let's get that out so we can refer to it.

The first box is the **Jurisdiction** box. Use the dropdown list to select the case jurisdiction information for your case. This box defaults to **"3: Federal Question."** 



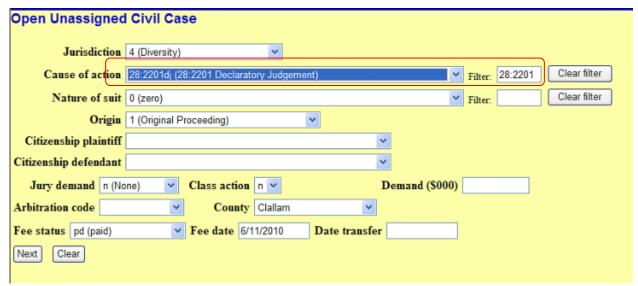
For this example, we will select "4 (Diversity)" for the case jurisdiction.



#### Cause of Action and Nature of Suit Filter Fields

Now you will select the Cause of Action for your case. Just to the right of the cause of action box is a new "Filter" box. This allows you to search for the cause of action by entering the cause of action number.

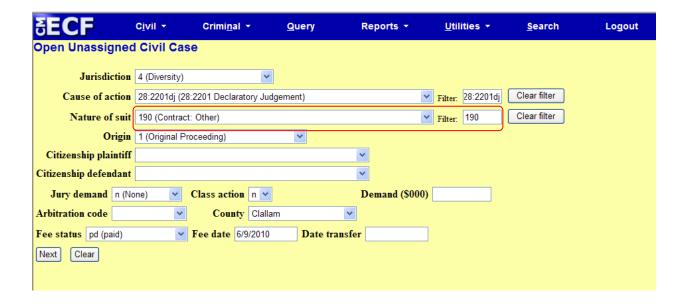
For this example, we are going to select **Declaratory Judgment 28:2201dj.** You can start typing the cause of action in the filter box and it will search the list for you instead of having to scroll through the entire list.



The next box is the **Nature of Suit**. You can utilize the new "Filter" box to the right to search for the nature of suit.

Start typing the nature of suit in the filter box and it will search the list for you instead of having to scroll through the entire list.

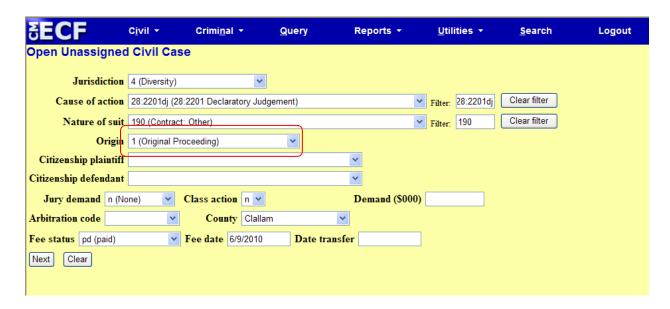
For this example, we will select "Contract: Other" for the nature of suit.



Although there are a variety of options in the Origin dropdown list, you will only select either:

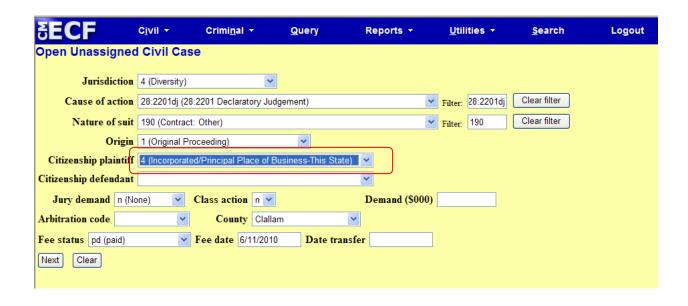
- (1)Original Proceeding or
- (2)Removal from State Court.

For this example, we are going to use (1) Original Proceeding.

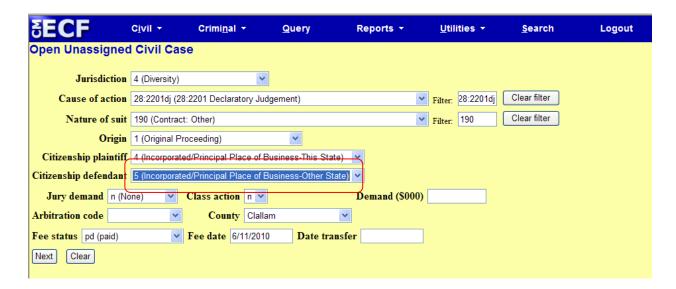


The **Citizenship Plaintiff** and the **Citizenship Defendant** dropdown boxes are used only in diversity cases. You would leave these boxes blank unless your case is a diversity case.

We are going to select "4: Incorporated/Principal Place of Business –This State" as our Citizenship Plaintiff option.



For Citizenship Defendant we are going to select "5: Incorporated/Principal Place of Business- Other State" from the dropdown list.



If you are requesting a **Jury Demand** you will select an option in the dropdown list.

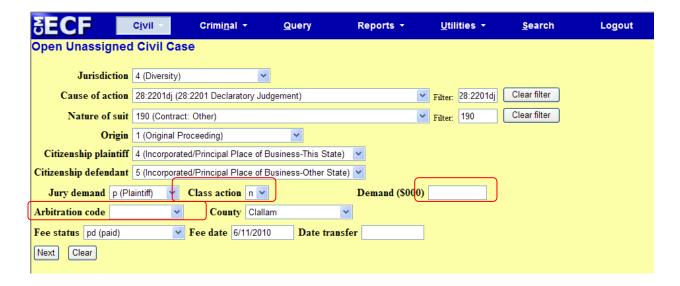
**Remember:** If you are requesting a **Jury Demand** in your case you must also demand this in your Complaint.



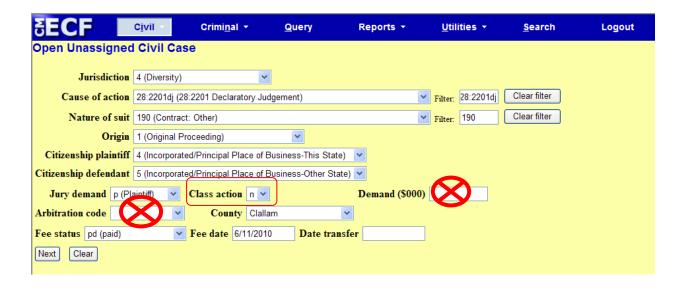
Let's address the NEXT three options:

- Class Action
- Demand
- Arbitration Code

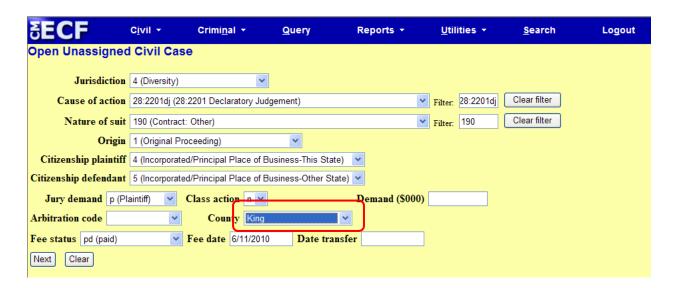
The Class Action box defaults to "n", the Demand and Arbitration boxes are blank.



Do not change the default Class Action box from "n" and do not fill in any demand amount or arbitration code.



The next box is the **County** box. From the dropdown list choose the county of the plaintiff's residence or place of business.



The Fee Status box has five choices in the dropdown list: The first option, In Forma Pauperis, is not used in this court.

Those choices that are used are as follows:

- None: No fee is required. It is used when the USA is the party filing the case or for actions such as 2255 Petitions.
- PD: Payment of the regular civil filing fee through Pay.Gov. See Appendix
   H for fee schedule.

- **Pending:** When an In Forma Pauperis application is pending and requires an IFP Application. See Appendix A for forms.
- WV: When the fee is waived and applies to Jones Act cases only.



For a court fee schedule, visit our website at: www.wawd.uscourts.gov. Click on Court Services, then Financial Information.

For an **Application to Proceed InForma Pauperis**, visit our website at **www.wawd.uscourts.gov.** Click on **Reference Materials**, then **Forms.** 

The **fee date** box will automatically be filled in.



Leave the date transfer box blank.



Look over this screen and make sure you entered the correct case information.

Once you are confident that your case information is correct you are ready to proceed and select "NEXT" to move to the next screen.

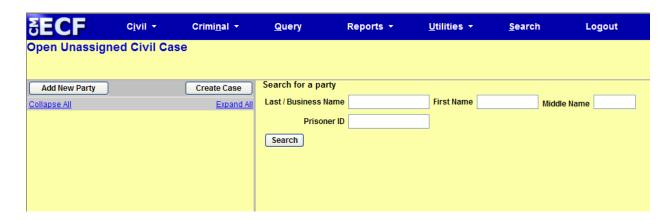


### **Adding Parties**

Before you get started, have your Complaint available. You will need this to add the parties in this case opening process.

Now that you have your information let's get started.

This screen will allow you to enter your party names and do a search to see if these parties are already in the court's database.



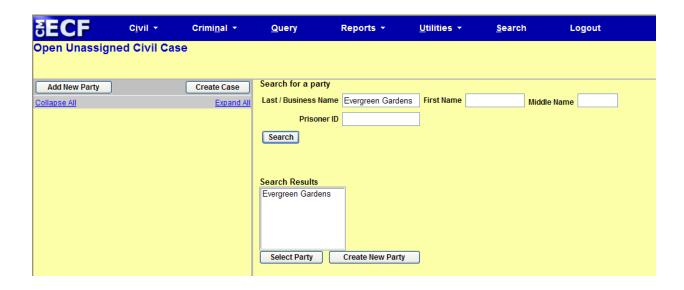
See **Entering Party Names** for examples of how to search party names in a way that will find appropriate matches.

#### **Important Message:**

If you select your back browser button at any time during the adding parties process, you will lose all of your work product. If you need to make a change to your party selection or simply changes the spelling, utilize the icons provided.

Once you start entering the party name, a party's surname or a company's name, select "Search Party."

**Removal cases** are opened by using the original caption from the state court. For example, if the defendant is the "filer" of the removal case in Federal Court and they remain the defendant in the case filed here.



The case we will be opening is a civil case entitled: "Evergreen Gardens vs. Grass Roots Inc."

Let's get started by entering the plaintiffs name, "Evergreen Gardens", and then select "Search Party."



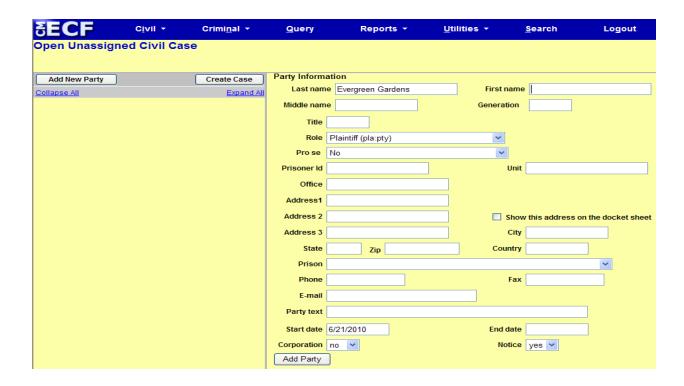
If you find an exact match from the list, highlight the name from the list and click on the "Select Party" button. If no match is found, no name will appear in the Last/Business Name box, and search results will state "Search returned no results. Please try again or create a new party."



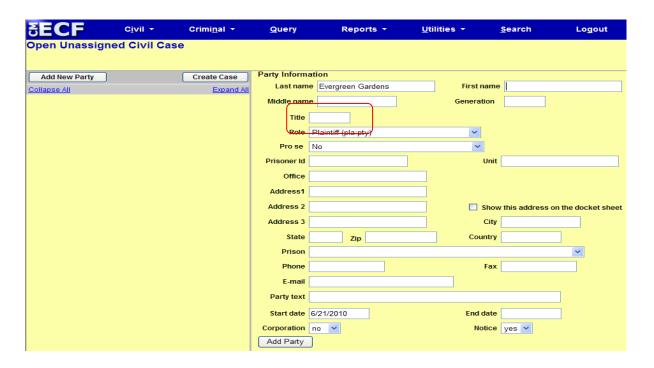
If you do not find an exact match, click on the "Create New Party" button.



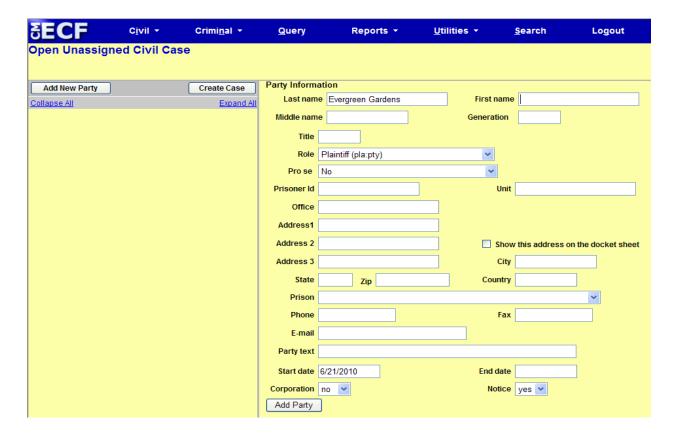
Once you have highlighted a name match or selected the "Create new Party" name button, CM/ECF will display the party information screen. You will notice your patry name on this screen. Let's proceed with entering your party information.



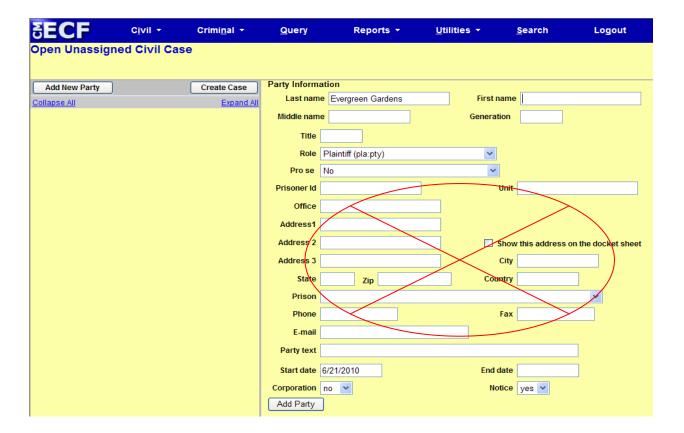
The**Title** box is where you would enter title abbreviations such as **Dr**, **Sgt**, **Hon**, **Rev**, as appropriate. Do not put any periods after the abbreviation. If a title does not apply, leave the box blank.



Now you will select the party's role from the drop-down menu. The first party entered is the **Plaintiff**. The parties should be entered in the manner and in the order in which they are captioned on the initiating document being filed. (Keep in mind the party name examples.)

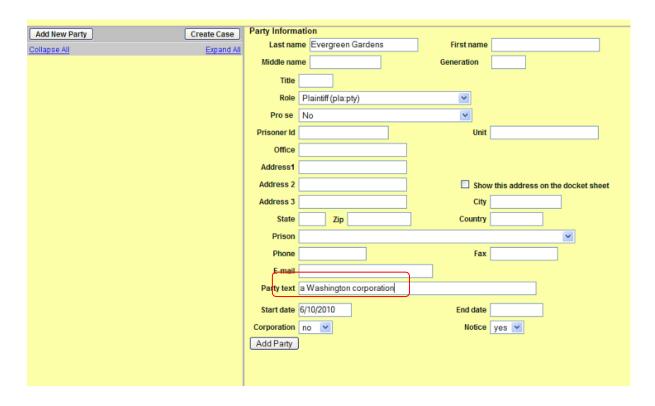


Do not enter any party information in the address, phone number, fax, or email box.

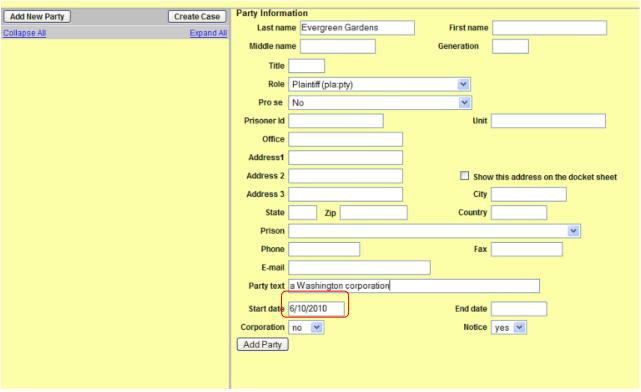


The party text box can be used to identify the party in further detail. For example, If the party is a company, enter "a Washington Corporation." Identify the party as "an individual" or "husband and wife, and the marital community."

In our case sample, we will enter "a Washington Corporation" in the text box for Plaintiff Evergreen Gardens.



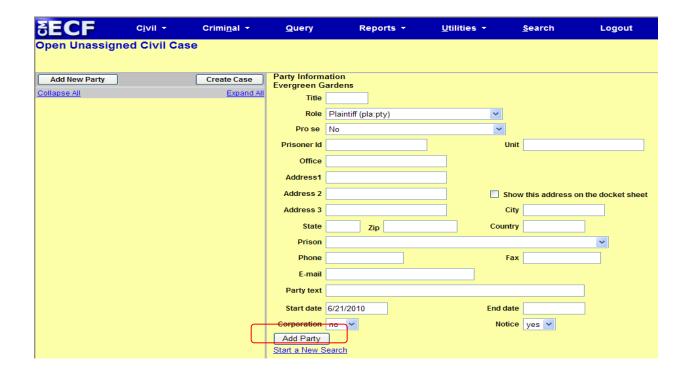
The start date box will automatically fill in with the current date. You will not be able to modify this date.



Since you logged into ECF as the attorney filing this case, you do not need to enter your name as attorney of record.

The ECF system will ask you later in this process if you are associated with the party that you are representing.

If you are not adding any additional attorneys select the Add Party button.



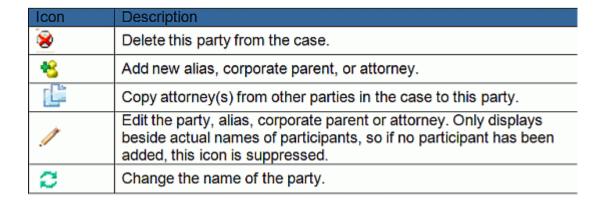
## **Adding Additional Attorneys**

You may enter additional attorneys associated with this case by selecting the the Add Attorney sicon next to Attorney.



#### **Icons**

The new icons located next to the names on the left allow you to make modifications, edits and add new alias. These are the Icon Descriptions:



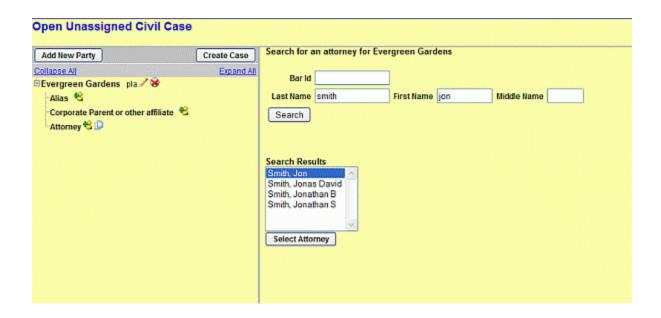
When you click on the add attorney icon, you will go to the **Attorney s**earch screen, which resembles the **Party Search** screen.



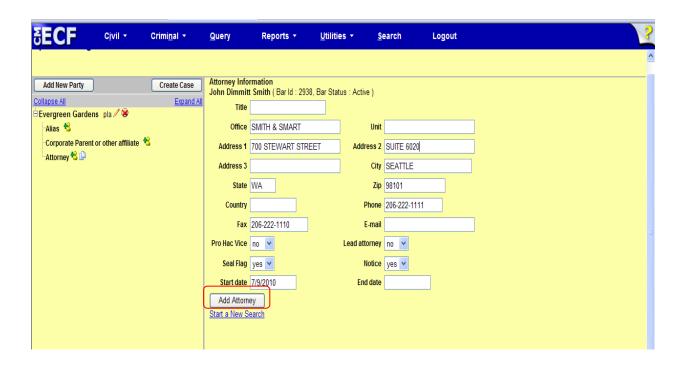
Let's add Jon Smith as an additional attorney in this case and then select **Search**.



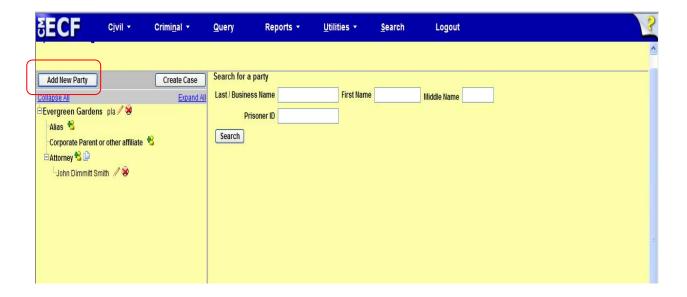
As with the Party Search screen, you will see search results which allow you to select the attorney's name from the dropdown list. Choose the attorney from the dropdown list. You can only add additional attorneys that are registered with CM/ECF. **DO NOT enter Pro Hac Vice Attorneys.** 



Once you have selected the attorney's name from the list, you will click on "Add Attorney".



s returns you to the Attorney Information screen. Notice the attorney name you just added on the left screen for the party Evergreen Gardens. Repeat this process until you get all the associated attorneys entered.



Once you have all the attorney names entered, select the **Add New Party** button. This will bring you back to the Party Information screen so you can continue to add all parties.

## **Adding an Alias**

If you are adding an alias, select the Alias icon.



The Alias role options from the drop down list are identified below

Agent: Agent of

Aka: Also know as Assign: As assignee of

Dba: Doing business as

Div: A division of Est: Estate of Exrel: Ex Rel

Fdba: Formerly doing business as

FKA: Formerly known as

Nee: Born (usually refers to maiden name)

Nka: Now known as Obo: On behalf of

Other: Other

Pro: Personal representative of

Rpi: Real party interest
Suc: Successor in interest

Ta: Trading as

Now that you have your Alias name entered and the role selected, select the "Add Alias" button. This will return you to the Party Information screen.



### **Corporate Parent or Other Affiliate**

The next button is the "Corporate Parent or Other Affiliate" button. Do not use this button. You are required to file a Corporate Disclosure Statement which provides this information.



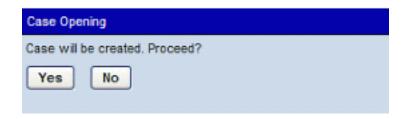
When you are satisfied that the information for the first party is correct, click on "Add New Party" and proceed to the next party. Enter all parties in this same manner.

#### **Create Case**

ONLY when you are finished adding all parties, click on the Create Case button on the Participant Tree.



Answer "Yes" under "Case will be created. Proceed?"



You will see this screen instructing you to click on the **Docket Lead Event** hyperlink to continue to attach your complaint, civil cover sheet, summons and pay the filing fee. The ECF system has assigned a case number and states that this case has been opened.

(Please note that this case is not opened until the complaint is filed and the filing fee is paid.)



# **Docketing the Lead Event**

Click on "Docket Lead Event?" to proceed.

ECF will automatically open the event Complaints and Initiating Documents and populate your case number.



#### Click **NEXT**.

You will notice that the case number and party name appears. Click **NEXT** to accept.



# **Lead Event Types**

There are three types of initiating documents, or "lead events" to choose from. Each has its own unique workflow.

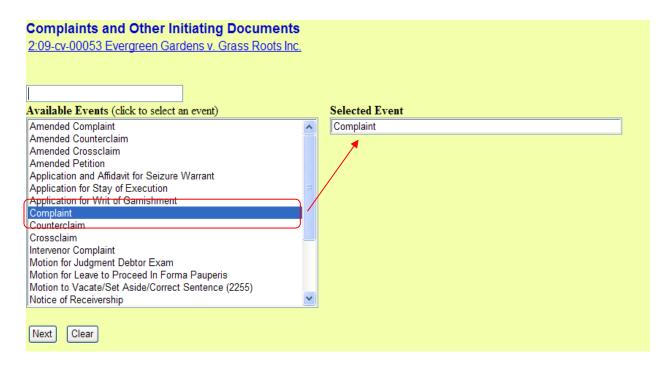
• Example A: Complaint

• Example B: Notice of Removal

• Example C: Motion to Proceed In Forma Pauperis

# Example A: Complaint

Select Complaint from the Available Events menu.

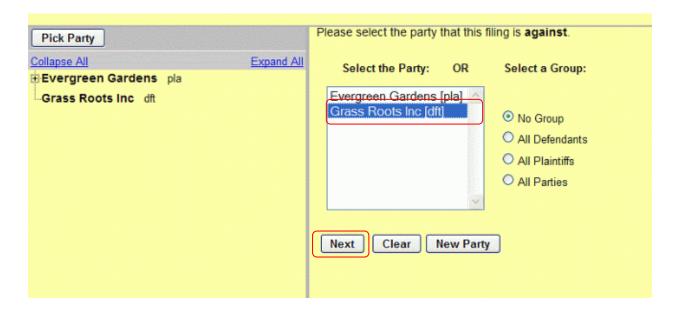


Clicking on the word "Complaint" places it in the Selected Event box. Click **NEXT**.

Select the party you are representing in this case and click **NEXT**.

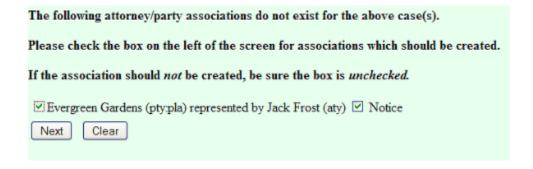


#### Select the party or parties you are filing against.



**NOTE:** To select multiple parties, hold down the Ctrl key and click on each of the desired parties, or click on the **All Defendants** radio button. We have selected the defendant Grass Roots Inc. Click **NEXT.** 

ECF displays this screen when the attorney filing the document is appearing in the case for the first time. This will add the attorney's information to the docket and activate electronic notice.



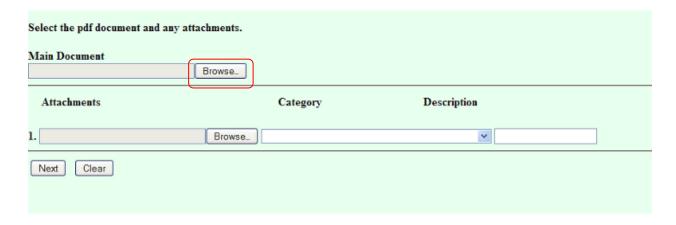
Leave all boxes checked and Click **NEXT**.

### **Attach the Complaint**

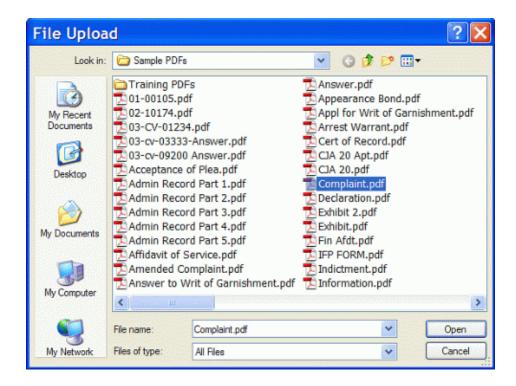
All documents must be in PDF format and cannot exceed 5 MB (megabytes) in size.

Notice that you can now add your main documents and attachments using a single screen.

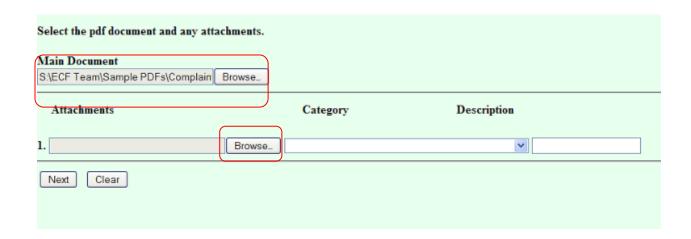
Click on **Browse** to begin.



Navigate to the appropriate directory and file on your computer to locate the Complaint. Make sure you are attaching the correct complaint. Double click on the file name to upload the file to CM/ECF.



The name of your document will appear in the Filename window.



To attach the Civil Cover Sheet, click Browse under Attachment #1.

Click **Browse** to upload the Civil Cover Sheet.

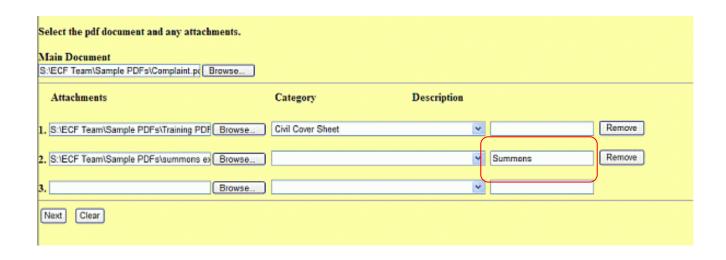
Describe it , either by using the **Category** drop-down box and/or the **Description** text box.



#### **Attach the Summons**

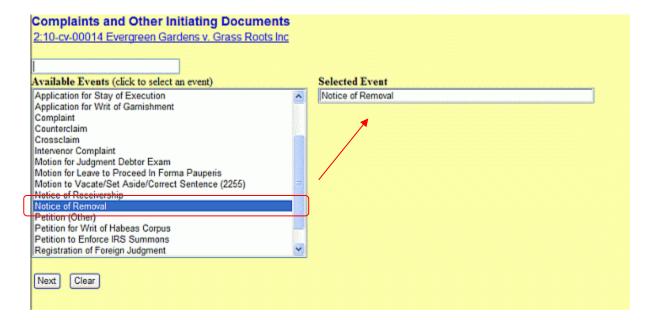
Prepare all summons(es) as one PDF.

Click **Browse** under **Attachment** #2 to upload the summons. Describe the summons(es) under **Category** and or **Description**.



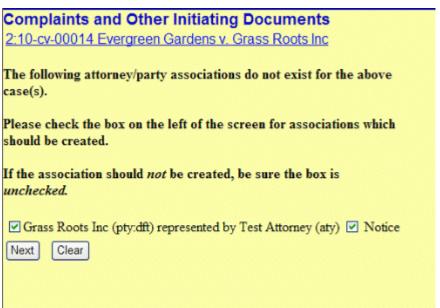
## **Example B: Notice of Removal**

Select **Notice of Removal** from the Available Events menu. Clicking on the event name places it in the Selected Events box on the right.



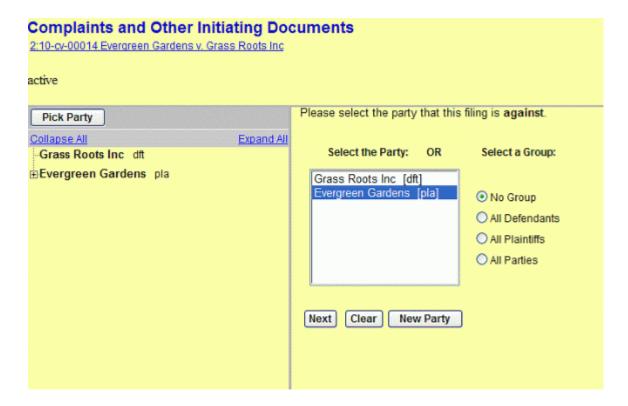
Click **NEXT**. Select the party you are representing in this case.





ECF displays this screen when the attorney filing the document is appearing in the case for the first time. This will add the attorney's information to the docket and activate electronic notice. Leave all boxes checked and Click **NEXT**.

Now select the party or parties you are filing against. Click **NEXT**.



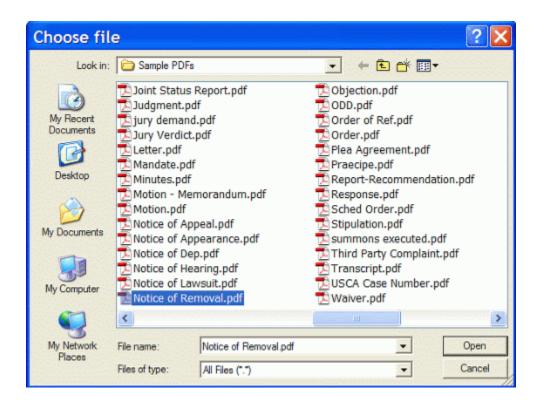
#### **Attach The Notice of Removal**

All documents must be in PDF format and cannot exceed 5 MB (megabytes) in size.

Click on **Browse** to begin.



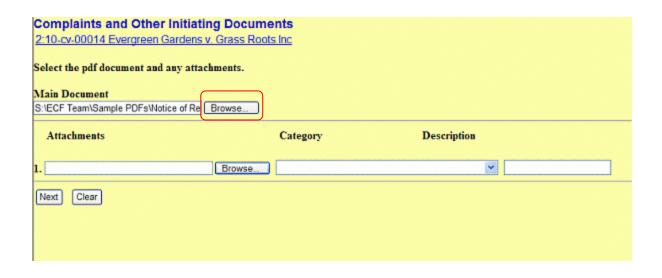
Navigate to the appropriate directory and file on your computer to select the Notice of Removal. Remember to verify that this is the correct Notice of Removal for this case.



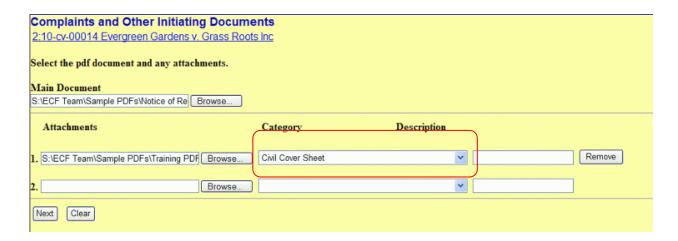
Double click on the file name, which will display in the Filename area.



Click Browse under Attachment #1 to upload the Civil Cover Sheet.



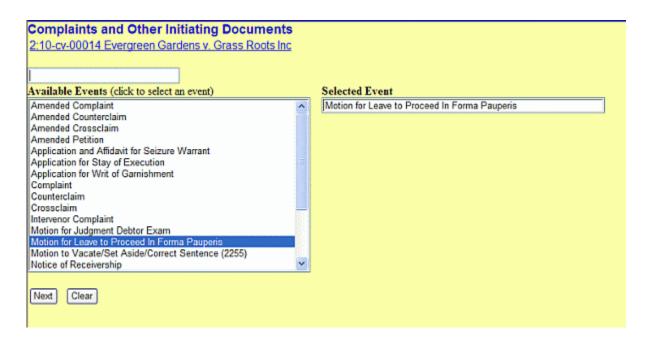
Describe it , either by using the **Category** drop-down box and/or the **Description** text box.



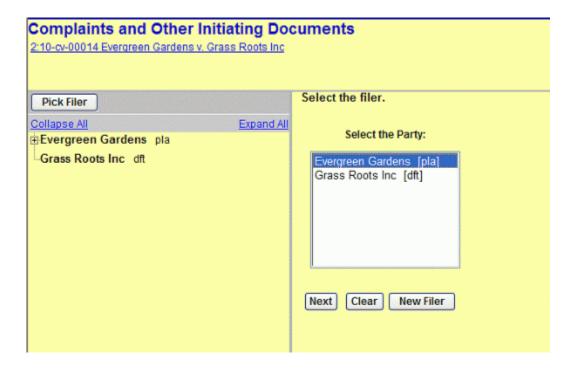
When you are done, click NEXT.

# Example C: Motion for Leave to Proceed In Forma Pauperis

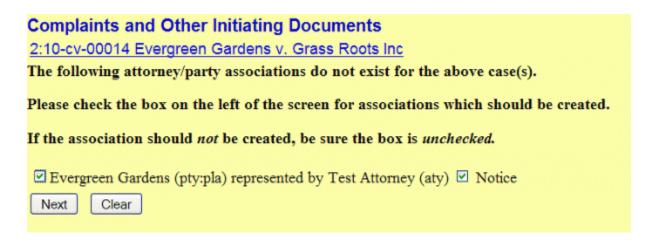
Select Motion for Leave to Proceed In Forma Pauperis from the Available Events menu. Click NEXT.



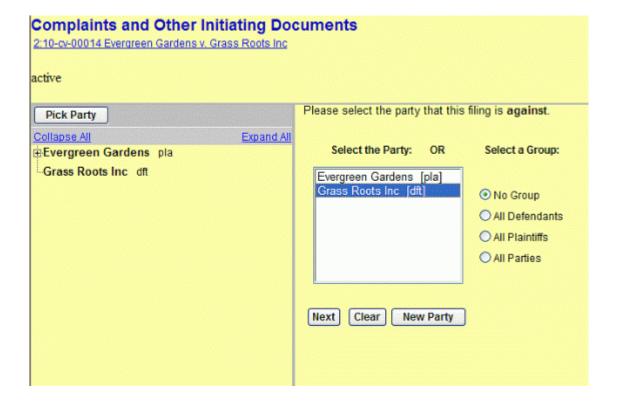
Select the party you are representing in this case.



ECF displays this screen when the attorney filing the document is appearing in the case for the first time. This will add the attorney's information to the docket and activate electronic notice. Leave all boxes checked and click **NEXT**.



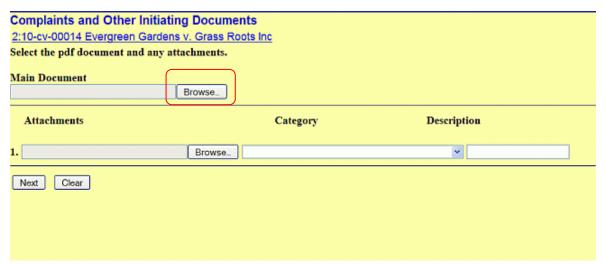
Select the party or parties you are filing against. Click **NEXT**.



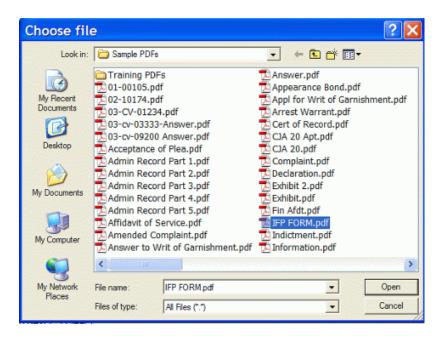
#### Attach the IFP Application

NOTE: All additional documents to the IFP Application must be filed as attachments to the IFP. When your filing is complete, you should only see on the docket your IFP Application with attachments.

All documents must be in PDF format and cannot exceed 5 MB (megabytes) in size. Click on Browse to begin.



Navigate to the appropriate directory and file on your computer to select the IFP application. Again, remember to check the document to make sure it is the correct application for this case.



Double click on the file name which will appear in the Filename box.

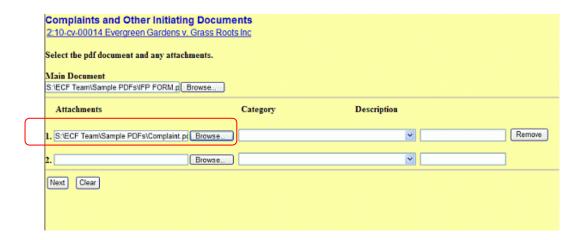


### **Attach the Complaint**

To attach the Complaint, click **Browse** under **Attachment #1**.



Navigate to the appropriate directory. Double click on the filename to add it to the Filename area under Attachment #1.



Describe it , either by using the drop-down box and/or the description text box.



Repeat these steps for the Civil Cover Sheet, Summons, and any additional documents you wish to file. The fields expand as you add more attachments.

When you are done, click NEXT.

## **Noting Date**

The Motion for Leave to Proceed In Forma Pauperis does NOT get noted. You will not see a request to note your motion. Proceed through the remaining screens by selecting NEXT to complete your filing.

### **Emergency Matters**

What are examples of emergency matters?

An emergency matter is one that requires an immediate action from a judge, such as a:

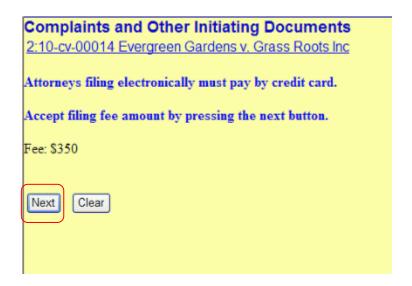
- Temporary Restraining Order
- Vessel Arrest

### **How To File An Emergency Matter:**

- Open the case.
- Have your case number ready.
- Immediately call the Clerk's Office Intake Department
- 206-370-8400 for Seattle cases
- 253-882-3800 for Tacoma cases
- The Intake Department will assign a judge to your case and notify them of the emergency.
- To ensure that your case receives the immediate attention it needs, please file prior to 4:30 P.M.

## **Paying the Filing Fee**

If you are filing a Complaint or Notice of Removal, this screen appears after you attach your documents . It verifies the filing fee amount and directs you to press **NEXT** to accept.



Pressing **NEXT** proceeds to the first of two Pay.gov screens, where you enter payment information about your credit or debit card.

#### **CAUTION!**

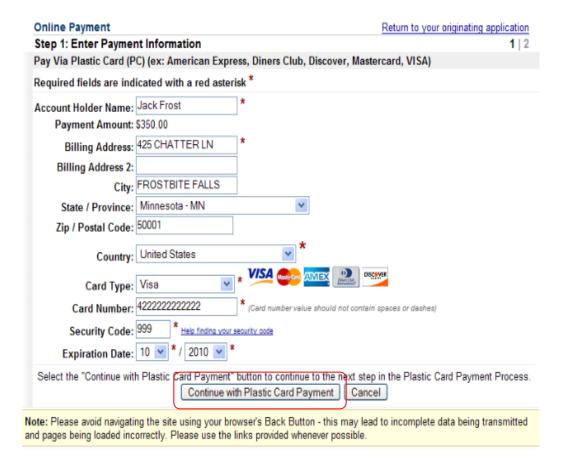
Do not use the browser Back button in the Pay.gov screens. This may result in duplicate billing of the filing fee.

If you believe you've been billed in error, call the Clerk's Office Financial Department at 206-370-8415.

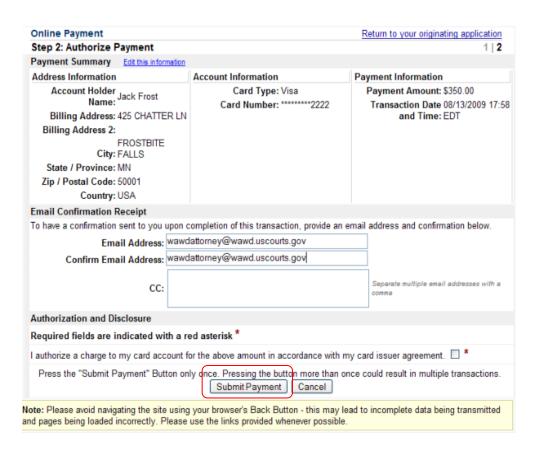
OR send an e-mail to: SeaFin@wawd.uscourts.gov

# Pay.gov: Credit/Debit Card Option

The first Pay.gov screen asks you for payment information via your debit or credit card. Be sure to enter all fields marked with a red asterisk (\*). Click **Continue** with Plastic Card Payment.



The second Pay.gov screen authorizes payment. Enter your e-mail address for confirmation.



Click **Submit Payment.** ECF will return you to the case opening program to complete the process.

## Pay.gov: Automated Clearing House (ACH) Option

In addition to debit and credit cards, you can now have payments withdrawn from a personal/business checking or savings account using ACH (Automated Clearing House) also known as Bank Account Debit or Direct Debit.

#### **IMPORTANT!**

If you choose the ACH option, you must contact your bank directly if you have an error, or your payment is not accepted. Visit Pay.gov's Frequently Asked Questions page at <a href="https://www.pay.gov/paygov/faqs.html">https://www.pay.gov/paygov/faqs.html</a> for more information.

#### **How ACH Works:**

During the filing of these events, the following reminder displays in ECF:

Attorneys filing electronically must pay through Pay.gov by either credit card, debit card or have it withdrawn from their bank account.

Accept filing fee amount by pressing the next button.

Pressing Next will launch the first of two Pay.gov screens.

Click on the Bank Account Debit (ACH) hyperlink to begin.

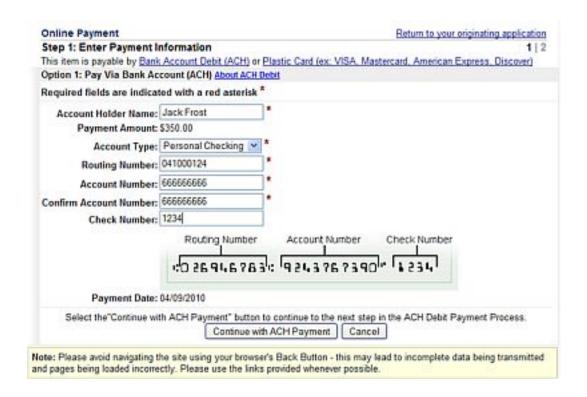
Online Payment	Return to your originating application
Step 1: Enter Payment Information	1   2
This item is payable by Bank Account Debit (ACH) or Plastic C	ard (ex: VISA, Mastercard, American Express, Diners Club,
Discover)	
Option 1: Pay Via Bank Account (ACH) About ACH Debit	
Required fields are indicated with a red asterisk *	
Account Holder Name: Rene Descartes *	
Payment Amount: \$350.00	
Account Type:	
Routing Number:	
Account Number:	
Confirm Account Number:	
Check Number:	
Routing Number Ac	count Number Check Number
[	43767390 4234
CD 26 946 78 3°C '9 8	1433833401534.
Payment Date: 01/31/2007	
Select the Continue with ACH Payment" button to continu	ie to the next stan in the ACH Dahit Payment Process
Continue with ACHP	
ote: Please avoid navigating the site using your browser's Back I nd pages being loaded incorrectly. Please use the links provided	

Complete all required fields marked with a red asterisk. (\*)

Account type options are:

- Personal Checking
- Personal Savings
- Business Checking
- Business Savings

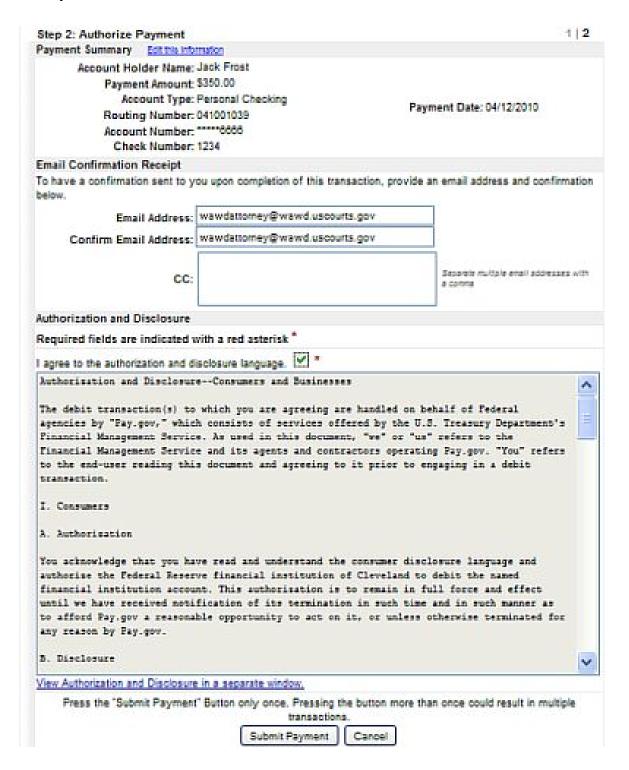
## **Example:**



The second page contains the ACH Authorization.

Enter your e-mail address, check the authorization box marked with a red asterisk (\*) and click Submit Payment.

### **Example:**

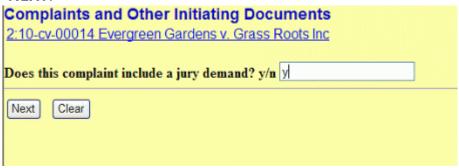


Click **Submit Payment.** ECF will return you to the case opening program to complete the process.

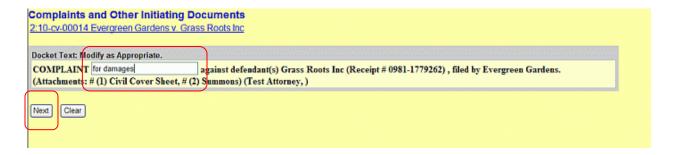
# **Completing the Case Opening Process**

After completing the payment screens, CM/ECF returns you to the case opening program to complete the process.

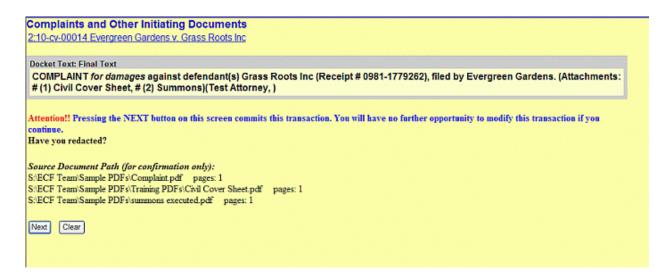
Enter "y" for yes, or "n" for no, at the prompt for a jury demand, then select "NEXT."



You have one opportunity to describe your document by entering text in the box if appropriate and then select the "NEXT" button.



This screen displays the final text as it will appear on the docket. Review this carefully, because once you click on the "NEXT" button, you will have no further opportunity to modify any part of this transaction. If the information entered is correct, select "NEXT."



## **Notice of Electronic Filing**

Once the docket text has been finalized, you will see the **Notice of Electronic Filing** screen which tells you that your document has been filed, and who has been electronically notified of this new case.



## **JUST A REMINDER!**

Follow these steps to file an emergency matter:

- Open the case.
- Have your case number ready.
- Immediately call the Clerk's Office Intake Department
  - o 206-370-8400 for Seattle cases
  - o 253-882-3800 for Tacoma cases
- The Intake Department will assign a judge to your case and notify them of the emergency.
- To ensure that your case receives the immediate attention it needs, please file prior to 4:30 P.M.